



Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Chris Pallas, Councilmember

MINUTES

CITY COUNCIL

REGULAR MEETING

January 25, 2005

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on January 25, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Mayor Franzella was presiding with Councilmembers Ruane, Ibarra, Pallas, and O'Connell in attendance. Recording by City Clerk Simon.

PLEDGE OF ALLEGIANCE: Led by City Attorney Thompson.

INTRODUCTIONS:

Mayor Franzella welcomed **Victoria P. Morrow, Ph.D.**, our new Skyline College President who gave an update on the construction activities at the Skyline campus.

2. REVIEW OF AGENDA: No changes were made.

3. APPROVAL OF MINUTES: Regular City Council meeting minutes of January 11, 2005, was approved as submitted.

- 4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
- a. **Approve: Payroll** of January 14, 2005.
 - b. **Approve: Accounts Payable** of December 20, 2004, and January 3, & 10, 2005. (Council Packets Only, copy is available for review at the City Clerk's office.)
 - c. **Accept:** Reconciliation of **General Ledger** to bank reports and the **Investment** reports dated December 31, 2004, by City Treasurer Karen Hornung.
 - d. **Adopt:** Resolution accepting independent **Auditor Reports** (Caporicci & Larson Certified Public Accountants) and basic financial statements for Fiscal Year ending June 30, 2003. (Copies distributed to Councilmembers and available for review at the City Clerk's office.)
 - e. **Adopt:** Resolution of intent to **amend position description and salary scale** for the Deputy Public Works Director position and set public hearing for February 8, 2005.
 - f. **Accept:** Accept \$5000 donation from Artichoke Joe's and authorize use for the Parks and Recreation Department Youth Enrichment Scholarship (YES).

Councilmember Ibarra pulled item number 4.f. for discussion. **M/S O'Connell/Ruane** to approve the remainder of the consent items and passed with a unanimous vote.

Councilmember Ibarra wanted to acknowledge Ron Cox and Artichoke Joe's for the generous donation. **M/S O'Connell/Ruane** to accept donation of \$5000 and passed with a unanimous vote.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed.)

Hold public hearing and consider approval of the issuance by the California Statewide Communities Development Authority of **multifamily housing revenue bonds** in the aggregate principal amount of approximately \$26,000,000 which will be applied to the financing of the acquisition and construction of a **114-unit multifamily residential rental facility** to be commonly known as "The Village at The Crossing" (the project) 228- senior units formerly known as "The Crossing Senior Apartments" to be located at the northwest corner of the intersection of national Avenue and Commodore Drive in the City of San Bruno, California. The owner of the project will be KDF Glenview, L. P., a California limited partnership.

Councilmember Ibarra requested the City Attorney rule on whether or not he has a conflict of interest on this item.

City Attorney Thompson replied even though you have an interest in a property owner near the project you are not involved in the financing and only providing public acknowledgement of the way the financing is moving forward and would not have to abstain.

Councilmember Pallas asked staff to explain the City's obligation for the revenue bonds being considered.

City Manager Jackson replied the only action tonight is to authorize the issuance of bonds by the developer so he could receive tax exempt financing. We are not underwriting the bonds for the senior housing and the City will have no obligation for them.

Mayor Franzella stated that we are only acknowledging that this group is applying for the bonds and we are not objecting to the project-taking place in our City.

Mayor Franzella opened the public hearing and asked if anyone wished to address the Council on this issue. No one wished to speak on this item.

M/S Ruane/Ibarra to close the public hearing and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution for adoption with a roll call vote of all ayes.

6. UNFINISHED BUSINESS: None

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT. None

8. COMMUNICATIONS: None

9. STAFF REPORTS:

- a. Finance Director O'Leary recommended the City Council adopt **resolution amending** the FY 2004-05 General Fund, Special Revenue Funds, Capital Improvement and Enterprise Funds Budgets.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- b. Housing and Redevelopment Manager Sullivan recommended the City Council adopt a resolution approving the City's application to City/County Association of Governments (C/CAG) for the Third Cycle of the **Transit Oriented Development Housing Incentive Program** related to multifamily housing at "The Crossing" in San Bruno to be built within two years.

Housing and Redevelopment Manager Sullivan gave the staff report. There is a potential to receive up to \$2,200,000 of incentive funds for four proposed projects located within 1/3 mile of BART or Caltrain.

Councilmember O'Connell clarified that C/CAG has a limited amount of funds and it is divided among all cities in the County and we may receive a large amount but don't count of 2 million.

Councilmember O'Connell introduced the resolution for adoption with a roll call vote of all ayes.

- c. Cable TV Director Gyaltsen recommended the City Council approve launch of "**Video On Demand Service**" by San Bruno Cable TV.

Director Gyaltsen introduced System Engineer Al Johnson who gave the staff report to the City Council. This service will be free to our Digital Box users and available to all cable customers to purchase.

Councilmember Ibarra said this would make us competitive with Comcast and others. While Pay For View is limited, Video On Demand is very flexible.

Engineer Johnson said this is an amazing product and customers must have a digital box to receive. San Bruno CABLE currently has 1000 customers on digital so they can start this service as soon as it is available.

M/S Pallas/Ruane to approve the launch of Video On Demand Service and passed unanimously.

- d. Staff provided an oral update to City Council on plans for **Safe and Sane Fireworks** sales in 2005. **Mayor Franzella** reminded staff and the public that the City Council requested staff to come back with a revised ordinance on fireworks and plans to prohibit using of illegal fireworks in San Bruno by having rigorous enforcement.

City Manager Jackson said for better efficiency, please allow all three presentations be given before taking questions from the Council and public members.

- (1.) Fire Chief Voreyer presented oral report to City Council on the **Fireworks Public Education Plan** to be implemented for the 2005 fireworks season.

Fire Chief Voreyer presented the Public Education Plan and timeline for the next five months. He gave special appreciation to the assistance of Police Lieutenant Catalano for his guidance and leadership in developing a zero tolerance policy for the 2005 Fireworks season. The estimated cost to conduct this enhanced program includes \$5000 in personnel cost for public education, \$5000 in materials needed for public education, and \$20000 for overtime cost for the period of July 1 to July 4, 2005, for a total cost of \$30,000.

- (2.) Police Chief Violet presented oral report to the City Council on the **Fireworks Operational Plan** to be implemented for the 2005 fireworks season.

Police Lieutenant Catalano presented an overview of the police department's operational plan for the July 4, 2005, weekend. Police staff will be educated on the zero tolerance policy on illegal fireworks. The San Mateo County bomb squad will conduct fireworks enforcement training and officers will be able to recognize the difference between a misdemeanor and a felony crime. Police will work with the Fire Department for a citywide education program. Strict enforcement will be done and violators will be arrested and the District Attorney has agreed to prosecute all those cited. The San Mateo County Sheriff's Department has advised that they are willing to provide assistance with up to 10 deputies. The cost of enforcement is as follows: If all police department employees work on July 4th, 2005, the cost would be \$31,600. If the Sheriff's Department were used, the cost would be an additional \$5500 dollars. The cost for enforcement during the week prior to the July 4th weekend will be \$7500 for a total cost of \$44,500.

- (3.) City Attorney Thompson presented oral report and requested City Council guidance on proposed changes to the City's **Fireworks Ordinance**.

City Attorney Thompson reviewed the key terms of a proposed Fireworks ordinance, which included seven (7) options for Council consideration. 1. Limiting the sale period from noon on June 28th to midnight on July 4th. 2. Limit the use of safe and sane Fireworks to only the July 4th Holiday. 3. Limit where fireworks can be used such as private property only and prohibit within ten (10) feet of a residence or near high fire-hazard areas. 4. Violations of safe and sane fireworks ordinance can be handled through an administrative citation process and there are alternative ways to handle an infraction or misdemeanors. 5. State law currently handles violations of dangerous fireworks and felony prosecution is handled by the District Attorney's Office; however, fines are not paid to the City. 6. The permit process would be included in the ordinance. 7. Public displays of dangerous fireworks through a permit process are already in place.

Councilmember Ibarra stated you have given us recommendations on handling safe and sane violations; however, what are your recommendations for use of illegal fireworks?

City Attorney Thompson replied that you should allow the District Attorney to prosecute those violations.

Councilmember Ibarra asked how our neighboring communities have responded to plans to enforce the non-use of illegal fireworks?

Fire Chief Voreyer replied that San Bruno Fire is a member of the County Wide San Mateo Fire Prevention Group and they do discuss methods of getting the word out where fireworks can and can't be used. Police Chief Violet said most agencies do not respond to fireworks calls and handle as a nuisance only. Most cities are not happy with Pacifica and San Bruno who continue to sale fireworks.

Vice Mayor Ruane said bringing in the San Mateo County Sheriff sets a precedent and will other cities be able to charge us for service? What days do the overtime cost include?

Police Chief Violet responded that under our mutual aid agreement there would be no charge. The Sheriff's Deputies would actually work in San Bruno vehicles, helping our officers. Police officers will be working the weekend leading up to the July 4th Holiday and that time is included in the total cost.

Councilmember Pallas said we have not had this kind of problem in the past. Are we expecting so much illegal fireworks that we need this kind of precautions?

Police Chief Violet said there is nothing to indicate this July 4th will be any difference than the last one, which we all agreed was out of control.

Councilmember Pallas said there were no fires or injuries from safe and sane fireworks last year and these plans may be overkill. We don't charge liquor stores a fee to help curb drunk driving so why do we charge the non-profits a fee to help curb illegal fireworks? People are aware that we are in danger of losing the safe and sane Fireworks so most people will be careful and not misuse and we don't need to spend this kind of money. It is the police department's job to enforce the law.

Police Chief Violet said we are simply bringing back a plan of action requested by the majority of the Council.

Mayor Franzella said it should be pointed out that the Council asked the staff to come back with a rigorous enforcement plan and show us what it would take in terms of cost to control illegal fireworks and protect our community. You don't have to agree with staff but this is what we asked them to do.

Mayor Franzella asked members of the public to address the Council at this time:

Mike Kaiser of 5th Avenue said there has been talk for 30 years of zero tolerance but there has been no enforcement. People don't follow the laws because the City does not enforce them. People don't believe we will prosecute and they will continue to use illegal fireworks. The non-profits help the City for free and yet they continue to be taxed.

David Morgan of Olive Court highly praised the Fire and Police Chiefs plus the City Attorney for coming up with excellence program. The City has been very lax and we need to put in extra effort to keep only the use of safe and sane fireworks in San Bruno. He understands we must spend more to get out the word and start fining the violators.

Scott Buschman of Claremont Avenue agrees with the enhanced education and strict enforcement. He said last year the problem with making arrest was the requirement that the officer had to see the violator actually light the fireworks. What will be different this year?

Jennifer Blanco of Fleetwood Drive wanted to commend the Chiefs for coming up with a plan of action. She believes the City should stop charging each permit holder the \$750 and instead impose a 7% surcharge to the buyers of fireworks and this would generate \$47,000 for the City to use to implement their plans. The City also receives \$7000 in sales tax from fireworks sales. It is important to keep children involved in sports and we must keep safe and sane fireworks to fund these programs.

Robert Riechel of 7th Avenue said the proposal is to charge the fireworks booth permit holders and why not go after the wholesalers? Also, why are there only 18 organizations allowed to sell fireworks?

Mayor Franzella said we have not had more than 18 groups request permits and it is opened to all non-profit groups to apply. Many do not desire to sell fireworks.

Dennis Revell President of Revell Communications representing American Promotional Events complimented City staff for their thorough reports. He agreed to work with the City so duplication of cost can be eliminated. Some Cities receive large amounts of funds from citations issued for illegal fireworks violations. Will the additional police patrols be dedicated solely for fireworks enforcement because this would affect cost recovery efforts? There is nothing in San Bruno's ordinance that holds the minors parents accountable for misuse of fireworks. Penalties need to be increased in the new ordinance and police need the ability to seize vehicles being used to transport illegal fireworks. Cost recovery can be obtained by submitting a bill for police and fire service to the District Attorney who is prosecuting violators.

Mayor Franzella requested the police staff address the questions concerning having to see someone light the fireworks in order to arrest them.

Lieutenant Catalano responded that undercover officers would be in the field to help identify those using the illegal fireworks and they would call in uniformed officers to make the arrest.

Councilmember O’Connell said she has received complaints that police officers have not confiscated illegal fireworks in the past.

Lieutenant Catalano said no matter what, we will confiscate all illegal fireworks found and turn over to the Fire Department so they do not fall into the wrong hands.

Councilmember Pallas said if citizens see someone using illegal fireworks they should call the police and also let that person know it is not allowed. We should put a 7% surcharge on all fireworks and let the people using them, pay for the police and fire department extra cost.

City Attorney Thompson replied that a user fee must be for cost recovery only.

Police Chief Violet said the intent of the police department is to dedicate officers to enforcing the use of illegal fireworks only, unless there was an emergency response need. The asset forfeiture rules do allow seizure of vehicles transporting illegal Fireworks.

Vice Mayor Ruane said fireworks sales is easy and fast money; however, other Cities are able to generate funds without the use of fireworks. He continues to oppose any use of firework because people from outside the City come here to shoot off Fireworks. I do not welcome this element into our City and we were very lucky last year since the use of Fireworks were out of control.

Councilmember O’Connell said in order to start the process, she would make a motion to limit the sale period from June 28th to July 4th and the booths would close at 9:00 p.m.

Councilmember Pallas said the booths are busy at 9:00 p.m. and 10:00 p.m. would be reasonable and he agrees that they should stop selling after July 4th since the booths must close on July 5th to ship the unsold fireworks back to the wholesaler.

Councilmember Ibarra said he would second the motion on the floor. He works in the booths and the volunteers would welcome less time to work in the booths. If people are aware of the booths closing they can shop during the day.

Mayor Franzella said there is a motion on the floor and we will take each key proposal to change the Fireworks Ordinance separately so there is no confusion in the future as to what was said.

(1.)(Setting time for selling fireworks) June 28th at noon until July 4th and booths will stop selling at 9:00 p.m. Ayes, Ibarra, O’Connell, and Franzella with No, Pallas and Ruane.

(2.)(Limit the use and discharge of safe and sane fireworks) **Councilmember O’Connell** made a motion to limit the use from noon on June 28th to 10:00 p.m. on July 4th. She asked the Police Chief to comment on her recommendation. Chief Violet said that any use after 10:00 p.m. would cause nuisance complaints to be received. Motion was changed to midnight on July 4th only.

Councilmember Ibarra seconded the motion. Ayes, Ibarra, Pallas, and O’Connell, and No Franzella and Ruane.

(3.) (Where fireworks can be used), City Attorney Thompson said the model ordinance provided by the Fireworks Industry, would prohibit in public places, streets, and not within 10 feet of a dwelling or fire hazard area.

Councilmember Ibarra asked what the current ordinance prohibits and the City Attorney replied that there is nothing in the current ordinance prohibiting where fireworks can be used.

Councilmember Ibarra said last year there were complaints about residents using the middle of the street to light off fireworks and what are staff's recommendations. Fire Chief Voreyer replied the recommended practice is not to use in public areas such as schools and parks. Not to use in the middle of the streets so they stay clear for emergency vehicles. Unfortunately these restrictions are not in the current ordinance.

Councilmember Pallas said while Fire personnel are driving around they should stop and inform groups of citizens using safe and sane Fireworks to have a hose or bucket of water handy for safety reasons. Chief Voreyer replied this is currently being done.

City Attorney Thompson said there is a section in the Municipal Code prohibiting fireworks in City Parks; however, it should be placed in the Fireworks Ordinance. She is recommending the following wording as to **where fireworks can be used**. First, it is unlawful to discharge safe and sane fireworks any place other than private property and not within 10 feet of a housing dwelling. Second, no safe and sane fireworks shall be discharged on private, semi-private, or public open space such as parking lots, vacant property, public streets, or right a way. Third, no discharge of safe and sane fireworks near high fire hazard areas.

Mayor Franzella confirmed with the City Attorney, with a citation process in place, groups and individuals could be cited for using the streets to set off safe and sane fireworks.

Councilmember O'Connell asked about the use of a vacant lot by the property owner. City Attorney Thompson said staff was more concerned about using someone's private lot like Safeway.

Mayor Franzella said language could be added "without prior written permission from property owner".

M/S O'Connell/Pallas to take staff recommendation as stated by the City Attorney to limit where fireworks can be used.

Councilmember Ibarra said he has a problem with eliminating the use of streets. There are residents who don't have 10 feet in front of their homes.

Councilmember Pallas said he was willing to amend the motion to allow use of the streets.

Mayor Franzella replied that part of the problem last year was the low-lying fog and smoke from fireworks in the streets made it dangerous for emergency vehicles. People have driveways but don't want to get them dirty from the fireworks and that is why they use the City streets.

City Attorney Thompson said there is liability to the City if we allow use of the streets in the ordinance.

Councilmember O'Connell said she does not believe we need to use the streets. The use of fireworks is to celebrate the Fourth of July not just for the non-profits to raise funds.

Councilmember Pallas said some homes such as Oak Avenue are closer than 10 feet to the streets.

Councilmember Ibarra said he would support the motion as recommended by the City Attorney even though he has reservation about not using the streets.

Mayor Franzella clarified the only change to the City Attorneys recommendation was regarding using private lots which could not be used “without prior written permission of the owner”.

Councilmember O’Connell said she would amend the motion changing the distance from housing dwelling to 8 feet instead of 10; however, **Councilmember Pallas** who seconded the motion would not accept the amendment. Mayor Franzella called for the questions **(3.) (Where fireworks can be used)** Ayes, Ibarra, O’Connell, and Franzella and No, Pallas and Ruane.

At 9:00 p.m. the Council called for a 10-minute recess to change the VHS tape.

At 9:15 p.m. the Council reconvened the meeting

Mayor Franzella said he wanted clarification on **(2.) limit the use of safe and sane fireworks**, while it was agreed the use would be June 28th at noon to midnight on July 4th, it was not clear what time during the remainder of the period fireworks use would stop.

Councilmember Ibarra said 10:00 p.m. daily would be adequate leading up the actual event on July 4th. **Mayor Franzella** said we should have a start time and ending time or someone will be shooting them off at 3:00 a.m. on the 29th.

M/S Ibarra/O’Connell to **limit the use of safe and sane fireworks** from 12 noon to 10:00 p.m. each day up to July 3rd and noon to midnight on July 4th.

Councilmember Pallas requested the motion be amended to midnight each night during sales but the amendment failed for a lack of a second.

Mayor Franzella called for the vote with Ayes, Ibarra, O’Connell, and Franzella and No, Ruane and Pallas.

(4.) (Violations of safe and sane ordinance)

Councilmember Ibarra said the recommendation was for an administrative citation and he would make a motion to accept, **Second by Councilmember O’Connell**.

City Attorney Thompson clarified that the administrative process was just for safe and sane violations.

Vote taken was Ayes, Pallas, Ibarra, O’Connell, and Franzella and No, Ruane.

Councilmember O’Connell said any funds received would offset future fireworks programs and requested staff to come back with such a proposal.

(5.) (Violations of “dangerous” illegal fireworks laws)

Councilmember Ibarra said he would recommend prosecution from the County District Attorney and motion seconded by **Councilmember O’Connell**.

Vice Mayor Ruane asked the City Attorney if State law already exist why would we duplicate this law. City Attorney Thompson said the law is on the books and if we duplicate we would bear the cost of prosecution. Mayor Franzella called for the vote with Ayes, Franzella, Ibarra, O’Connell, and Pallas and No, Ruane.

(6.) (Fireworks booth Permit process)

There was no action taken and staff is to continue the process currently in place.

(7.) (Public displays of dangerous fireworks through permit process.)

Councilmember Ibarra asked if a private company wanted to put on a fireworks display does current law allow them to do it?

Fire Chief Voreyer replied that under the Fire Code the Fire Chief has the authority to approve. An example would be if the Shops at Tanforan wanted a grand opening fireworks display they could apply.

Councilmember O'Connell made a motion to continue public displays of fireworks with permits approved by the Fire Chief.

Vice Mayor Ruane asked what this section has to do with Safe and Sane Fireworks?

Mayor Franzella said it should not be included in the ordinance because if the voters turn it down in November there would be not process for approval.

Councilmember O'Connell withdrew the motion

It was agreed that **Permits for Public Displays of dangerous Fireworks** would not be permitted by Ordinance and will be a separate process.

Vice Mayor Ruane thanked the Fire and Police staff for all the hard work they put into developing these plans. He voted No on all of the items because the sell of safe and sane Fireworks draws in a bad element. The programs will be costly, difficult, and probably won't make a lot of difference.

Councilmember Pallas said we should not let undesirables ruin our Independence Day celebration.

Mayor Franzella said we still have the question of **level of enforcement and who will bear the cost** of \$78,000?

Councilmember Ibarra said we were just provided this information tonight and may not come up with a decision this evening. He knows the City will not be able to pay the cost proposed. The suppliers, along with the 18 non-profit groups, need to be heard from as far as what they will contribute to the enhanced enforcement.

Mayor Franzella said it is up to the Council to make the decision and if it is too painful to make tonight we need to set a time to complete this process.

Councilmember Ibarra said the Fireworks Companies have not told us what they can provide in the way of funding. He requested Mr. Revell address the Council.

Mayor Franzella said the Council does not have the authority to impose a fee on the vendors. The City Attorney replied, "That is correct"; however, they could certainly do it on a voluntary basis.

Vice Mayor Ruane asked what kind of net income percentage is received by the non-profit organizations and Councilmember Ibarra replied approximately 35% of gross receipts.

Councilmember Pallas said the gross of \$700,000 is cut in half for supplies and there are storage, insurance, sales tax, and other expenses so the net is closer to 30%.

Dennis Revell said the wholesalers spend in excess of \$20,000 on public education and did make a commitment to set down with the Chiefs and review the cost allocations so he could respond to a request for assistance. He feels the 7% surcharge to buyers of fireworks is appropriate to cover the cost.

Councilmember Ibarra asked if \$700,000 was the gross sales for last year, what is the profit margin for the vendors. Mr. Revell replied that only 7% of the gross is net profit for the wholesalers.

Kathy Castle, Vice President of TNT and Freedom Fireworks, said a realistic percentage for net profit to the groups selling fireworks is 30 to 40 percent of gross. The wholesalers work on 7 to 10 percent on net sales only. Cost for transportation, insurance, storage, and product are high. She agrees that the non-profits should not have to pay more and the users should help fund the enhancement programs.

City Attorney Thompson said any kind of tax imposed by the City would require a vote of the people.

Mayor Franzella asked if the Council supports the enhancement programs.

Councilmember Ibarra said yes he supports.

Councilmember O’Connell said she agrees with the concepts of additional enforcement and education.

Mayor Franzella said we will meet on this issue again in 30 days, the Councilmembers should meet with whomever they feel they need to obtain additional information to make a decision and the staff should bring back a “Draft” ordinance for final review on February 22, 2005, before publication and first reading.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Rose Urbach of Euclid Avenue thanked Mayor Franzella and Councilmembers for the Proclamation given her for her 88th birthday and read by Councilmember Pallas.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Caltrain Council Ad Hoc Committee (Ruane/Ibarra) announced the Citizens Advisory Committee for Final Design of Caltrain Preferred Grade Separation and Station Design would hold its next meeting on Thursday, January 27, 2005 at 6:00 p.m. located at Belle Air School.

Vice Mayor Ruane said there have been two meetings this year. The first meeting was to bring the committee up to date on the grade separation activity and second was to review the embankment versus bridge type structure. The public is invited to attend the meetings and we will talk about station access needs at the next meeting. **Mayor Franzella** thanked the committee for the great work being done.

13. NEW BUSINESS:

- a. **Councilmember Pallas** requested the City Council take a formal position on the San Mateo County City/County Association of Governments (C/CAG) Legislative Priority for 2005 to support lowering the 2/3rd super majority for local special purpose taxes.

Councilmember Pallas requested this item be pulled and placed on the next agenda.

- b. City Manager Jackson recommended the City Council review its policy on the **responsibilities of Councilmembers and citizens** appointed to Regional Boards and Commissions.

Mayor Franzella said he had reviewed the Council’s policy with the City Manager and the desire was to reaffirm that those appointed by the Council to Regional Agencies have the authority to cast a vote on behalf of the Council. Some Cities aren’t as trusting and require all items be brought back to this body before a vote can be made and this slows down the process. He feels if someone does not represent the Council viewpoint, the majority of the Council can remove him or her from their assignments.

Councilmember Pallas said he would always bring back an issue to the Council before voting.

Councilmember O’Connell said Mr. Pallas has been on the Airport Round Table for 9 years and never brought an issue for a vote to the Council. Mr. Pallas replied that the Airport Round Table has not voted on any items.

Councilmember Ibarra asked the City Manager why she brought this issue up? Did someone say something about a member?

Councilmember O’Connell said often the Regional Boards meet in between Council meetings and she would suggest a report be given to the Council on a quarterly or annual basis to keep everyone up to date.

Mayor Franzella said he felt reports could be made as needed.

City Manager Jackson said the City Council and Mayor are very involved in Regional activities and the residents of San Bruno are being well served. She receives very positive feed back from other Cities that San Bruno Officials participate and are well respected by the Regional Boards and Agencies.

At 10:05 p.m. the City Council adjourned to closed session.

At 10:35 p.m. the City Council returned from closed session

c. Closed Session regarding:

(1.) Pending litigation.

a. Cal-Trout vs. City of San Bruno. (Gov’t Code Section 54956.9a.)

Mayor Franzella reported direction was given to the City Attorney.

b. Keith & Debbie Hoffman vs. City of San Bruno, litigation arising from alleged sewer backup. (Gov’t Code Section 54956.9a.)

Mayor Franzella reported an approved settlement amount was given to the City Attorney.

(2.) Labor negotiations with the San Bruno Professional Fire Fighters Association.

(Gov’t Code Section 54957.8)

Mayor Franzella reported the Council re-affirmed the City’s negotiated position.

14. ADJOURNMENT:

With no further business to transact, meeting was adjourned to the next regular City Council meeting of Tuesday February 8, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval
at the regular City Council Meeting
of February 8, 2005**

Ed Simon, City Clerk

Larry Franzella, Mayor